

(FW)

Practitioner's Docket No. HES 2000-IP-002115U1P1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent application

of _____

Inventor(s) _____

for _____

Title of invention _____

OR

In re application of: Karen Luke et al.

Application No.: **0 10 / 623,443**

Filed: July 18, 2003

For: Zeolite-Containing Treating Fluid

Group Art Unit: 1755

Examiner: unknown

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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TRANSMISSION

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Sheila Gibbs

Signature

Sheila Gibbs

(type or print name of person certifying)

Date: 9-21-04

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an International application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the International application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an International application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

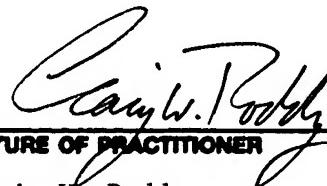
NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 608, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.



SIGNATURE OF PRACTITIONER

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [S-3]—page 3 of 3)



PATENT
HES 2000-IP-002115U1P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Karen Luke and Sears T. Dealy)
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) Art Unit: 1755
)
Serial No.: 10/623,443)
)
Filed: July 18, 2003) Examiner: Unknown
)
For: ZEOLITE-CONTAINING TREATING)
 FLUID)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

U. S. PATENTS

U.S. Patent No. 6,616,753 B2 issued September 9, 2003 to B. Raghava Reddy et al.

U.S. Patent No. 6,626,243 B1 issued September 30, 2003 to Virgilio C. Boncan.

UNITED STATES PATENT APPLICATION PUBLICATIONS

United States Patent Application Publication No. US 2004/0108113 A1 published June 10, 2004 to Karen Luke et al.

United States Patent Application Publication No. US 2004/0107877 A1 published June 10, 2004 to Donald A. Getzlaf et al.

United States Patent Application Publication No. US 2004/0112600 A1 published June 17, 2004 to Karen Luke et al.

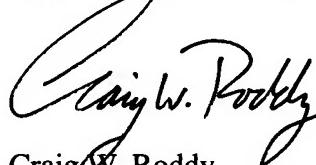
OTHER MATERIAL

International Center for Materials Technology Promotion, "Special Cements and Their Production Technology: CSA Series, Hydraulic Cement Series, Oil Well Cement Series etc: Hydraulic Engineering Cement", (2003).

Portland Cement Association, "Portland Cement, Concrete, and Heat of hydration", Concrete Technology Today, (1997), pp.1-4, Vol.18, No. 2, Construction Information Services Department of the Portland Cement Association.

Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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FORM PTO-1449 (Modified) SEP 24 2004		ATTY. DOCKET NO. 2000-IP-002115U1P1	SERIAL NO. 10/623,443
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT			
(Use several sheets if necessary)			
		APPLICANT Karen Luke et al.	
		FILING DATE July 18, 2003	GROUP 1755

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
AA	6,616,753 B2	09/09/0	Reddy et al.	106	718	
AB	6,626,243 B1	09/30/03	Boncan	166	293	
AC	US 2004/0108113	06/10/04	Luke et al.	166	292	
AD	US 2004/0107877	06/10/04	Getzlaf et al.	106	813	
AE	US 2004/0112600	06/17/04	Luke et al.	166	295	
AF						
AG						
AH						
AI						
AJ						
AK						
AL						

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Subclass	Translation
						Yes No
AM						
AN						
AO						
AP						
AQ						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	International Center for Materials Technology Promotion, "Special Cements and Their Production Technology: CSA Series, Hydraulic Cement
	Series, Oil Well Cement Series etc: Hydraulic Engineering Cement", (2003).
AS	Portland Cement Association, "Portland Cement, Concrete, and Heat of hydration", Concrete Technology Today, (1997), pp.1-4, Vol.18, No. 2,
	Construction Information Services Department of the Portland Cement Association.
AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.